

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**TYEESHA LASHAYE MARTIN,**

**Plaintiff,**

**v.**

**NAPHCARE, INC., MARC Q.  
SONNIER, JAMES DELONG,  
BARBARA GAIL WALTERS, EDDIE  
NAGLE, C.I. HADLEY, DONAL  
CAMPBELL, et al.,**

**Defendants.**

**Case No. 2:06-CV-1031-WKW**

**MOTION FOR HIPAA ORDER**

COME now the Defendants, NaphCare, Inc., Marc Q. Sonnier, James Delong and Barbara Gail Walters, and move this Honorable Court to enter a "HIPAA Order in Civil Action" in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

**NO ORAL ARGUMENT REQUESTED**

/s/ Martha Leach Thompson

Stanley A. Cash

Martha Leach Thompson

Attorneys for Defendants NaphCare, Inc., Marc  
Q. Sonnier, James Delong, and Barabara Gail  
Walters

Of Counsel:

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served via the CM/ECF System on the following on this the 23<sup>rd</sup> day of January, 2007:

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/s/ Martha Leach Thompson  
Of Counsel

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**HIPAA ORDER IN CIVIL ACTION**

Upon compliance with Federal law, the attorneys for the parties to this lawsuit are permitted to obtain all health information relating to any individual who is a party to this case, or of any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee, and to obtain all information relative to payment for the provision of medical care to any such individual, including any and all psychiatric and/or mental health records. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Federal law, the sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. This Court Order is intended to authorize such disclosures

under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

At the conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Federal insurance laws and the Alabama State Bar rules and regulations.

DONE AND ORDERED this the \_\_\_\_ day of \_\_\_\_\_, 2007

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Honorable W. Keith Watkins